THE HON'BLE MR. JUSTICE V.V.S. RAO

FRIDAY, THE 23RD DAY OF DECEMBER, 2005

W.P.No. 26775 of 2005

Between:-

A. Rajendran and another.

--Petitioners

And

The District Collector, Chittoor, Chittoor district and two others.

--Respondents

THE HON'BLE MR. JUSTICE V.V.S. RAO

W.P.No. 26775 of 2005

:O R D E R:

The petitioners herein purchased land ad-measuring Acs. 04-58 cents in survey Nos. 149-1, 149-2 and 149-3A at 73 situated at Mangasaamudram village, Chittoor mandal, Chittoor district, under registered sale deeds dated 08-07-2004 and the vendors of the petitioners purchased the property under registered sale deeds dated 19-07-1962. The petitioners approached the 3rd respondent and obtained approval for a lay out in respect of the said land and divided the same into house sites. So as to get necessary conversion orders, they approached the Mandal Revenue Officer, who gave no objection certificate on 11-07-2005. In the meanwhile, on 29-07-2005, the Mandal Revenue Officer gave a notice to the petitioners directing them to attend his office and produce all original documents. The petitioners accordingly produced the documents, but no decision was taken. Again, the 2nd respondent issued another notice dated 07-10-2005 *inter alia* directing the petitioners not to take up any permanent structures in the land and remove the stones already planted in the land. Aggrieved by this notice dated 07-10-2005, the present writ petition is filed seeking a declaration that the impugned notice is illegal and arbitrary.

At the stage of admission itself, learned Assistant Government Pleader has obtained instructions from the 2nd respondent. He submits that though initially the Mandal Revenue Officer gave No Objection Certificate for conversion of the land, having regard to the fact that the land is situated adjacent to survey No. 212, which is classified as Mangasamudram Tank and the land is partly submersible and also having regard to the fact that the grant of Pattadar Passbooks to vendors of the petitioners was itself is illegal, notice was issued. He also submits that even before any decision is taken, the present writ petition is filed.

There is a dispute whether the land purchased by the petitioners is submersible tank bed land, in which case, no construction can be allowed. It is also a dispute whether the issue of Pattadar passbook to the vendors of the petitioners is contrary to law. Therefore, it would be better, if the 2nd respondent is directed to pass appropriate orders pursuant to the impugned notice. The petitioners are at liberty to produce all the records before the 2nd respondent, if not already submitted; and also submit a representation. After considering the same, the Mandal Revenue Officer is directed to pass appropriate orders within a week from the date of receipt of a copy of this order. If the petitioners are aggrieved by the order to be passed by the 2nd respondent, it is open for them to file appropriate departmental appeal before the appropriate forum.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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V.V.S. RAO, J

23-12-2005

pvks/*

Nb:- Registry to furnish c.c. by Monday i.e., 26-12-2005

B/o pvks/*